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H – 2787

International Court of Justice

H2787 - 0002

Nurnberg
10 December 1945

NOTICE
FOR DEFENDANTS INFORMATION ROOM
BULLETIN BOARD

IN RE: THE REQUEST OF THE CHIEF PROSECUTORS TO DECLARE THE CRIMINALITY OF CERTAIN ORGANIZATIONS, AND APPLICATIONS IN RESPECT THERETO.

The Tribunal considers that a member of an accused organization who has applied to be heard on the question of the criminal character of the organization is not a defendant in the cause. Representative applicants will be permitted to give evidence but will have the individual status of witnesses only, and can be cross-examined by the Prosecution and by the Defense Counsel. Counsel representing any group or organization charged in the Indictment may, however, exercise on their collective behalf the rights accorded by the Charter to counsel for individual defendants, including the right to interrogate and cross-examine witnesses and the right to address the court. In the exercise of these rights counsel must confine themselves to the issue of the criminality of the organization.

W. L. MITCHELL
Brigadier General, US Army
General Secretary
International Military Tribunal

Copies to
Chief Prosecution

Capt. Paulson —
File
WLM

2

CO
Hen

Nürnberg
10 Dec 1945

NOTICE
FOR DEFENDANTS INFORMATION ROOM
BULLETIN BOARD

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W. L. MITCHELL
Brigadier General, US Army
General Secretary
International Military Tribunal

Copies to
Chief Prosecution

Bec from our Commission office 6/4/46

H2787 - 0003

H2787 - 0004

INTERNATIONAL MILITARY TRIBUNAL
Office of the General Secretary

29 July 1946

The Tribunal makes the following order with respect to the applications for documents and affidavits filed on behalf of defendants Ribbentrop, Raeder, Keitel, Sauckel, Rosenberg, Speer, Streicher, and Seyss-Inquart:

Ribbentrop

The following affidavits are granted:

Thadden - Ribbentrop Exhibit #319
Best - Ribbentrop Exhibit #323
TC-75 - Ribbentrop Exhibit #322

Raeder

The following documents and affidavit are granted:

Affidavit from Boehm - Raeder Document #129
Document files of British Admiralty re landing in Scandinavia and Finland - Raeder Document #133
"Mein Kampf" (original)

Keitel

The following affidavits are granted:

Interrogatory to Buerckner - Keitel Exhibit #23
Affidavit from Jodl - Keitel Exhibit #24
Affidavit from Keitel - Keitel Exhibit #25

Sauckel

The following document is granted:

Decree by Sauckel - return transportation of sick foreign workers

Rosenberg

The Tribunal will take judicial notice of the following affidavit:

Oeppert - Rosenberg Exhibit #051

Speer

The following document is granted:

Protocol of the Fuehrer, 4 January 1943 - Speer Document #35

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Streicher

The following documents are granted:

Directive of Dr. Ley - Streicher Exhibit #19
Issue of the "Stuermer" - Streicher Exhibit #20
Summary of circulation of "Stuermer" from January 1936 to October 1935 - Streicher Exhibit #21

Seyss-Inquart

The following affidavits and documents are granted:

Affidavit from Erwin Tschoppe - Seyss-Inquart Document #112
Affidavit from Adalbe Joppich - Seyss-Inquart Document #113
Three letters from Seyss-Inquart to Himmler

FOR THE TRIBUNAL:

JOHN E. RAY
Colonel, FA
General Secretary

Office of
The General Secretary

13 March 1946

NOTICE TO BE POSTED ON BULLETIN BOARD IN DEFENDANTS' INFORMATION ROOM

The following order with respect to further proceedings on the charge against organizations and the applications of members thereof to be heard has been adopted by the Tribunal.

1. The Tribunal directs that Counsel for the Defendant Organizations shall be entitled to visit any Civilian Internment Camp, Prisoner of War Camp, Prison or Enclosure or other place where members of the Organizations are to be found in the four zones of occupation of Germany and from which applications under Article 9 of the Charter have been received, for the purpose of selecting witnesses to be brought to Nurnberg to give evidence on the criminal or non-criminal character of the accused Organizations.

2. An Officer shall be appointed to accompany Defense Counsel to Camps or other places whose duty shall be to ensure that Defense Counsel are afforded access to members of accused Organizations interned or at liberty and that subject to security regulations they shall receive facilities for consultation with any persons they may desire to select as witnesses and he shall render every assistance that may permit a free and unfettered selection. In addition the said officer shall have power to control and limit as directed by the Tribunal the number of witnesses to be brought to Nurnberg.

3. In the selection of such witnesses the Tribunal directs that Counsel for the Defense shall have regard only to the choice of persons possessing knowledge of matters relevant to the criminal or non-criminal character of the Organizations as provided in paragraph 6 hereunder.

4. When these persons have been brought to Nurnberg Counsel shall have free access to them for the purpose of ascertaining which if any of them Counsel desire to call as witnesses before the Tribunal and which if any of them they desire to examine before a Commissioner. At such examination before a Commissioner Counsel for the Defense and for the Prosecution shall have the usual rights of examination, cross-examination, and re-examination and evidence taken shall be recorded by the Commissioner. The Commissioner shall be Lt. Colonel Neave and he shall have power to hear evidence in Nurnberg or in exceptional cases elsewhere at his discretion and shall recommend to the Tribunal suitable persons to be appointed Assistant Commissioners if the necessity should arise.
This Order shall be carried out under the direction of Lt. Colonel A.M.S. Neave, in collaboration with the Office of the General Secretary and subject to necessary security regulations.

5. After such selection of oral witnesses and examination of other persons Counsel may apply to the Tribunal for leave to call the selected oral witnesses and to offer the evidence of the persons examined provided that their evidence is relevant and not cumulative. Counsel shall also be entitled to apply to the Tribunal to send interrogatories in appropriate cases.

6(a) In this proceeding evidence is considered to be relevant which bears upon the following issues:

(1) Whether the Organization or group charged consisted substantially of an aggregation of persons sharing a general common purpose to engage in activity defined as criminal under Article 6 of the Charter, and, in this connection, what the aims, tasks, activities, methods, structure and component parts of the Organization were;

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(2) Whether membership in the Organization or group was generally voluntary or the result of physical compulsion or legal decree;

(3) Whether the purposes or activities of the Organization or group, defined as criminal under Article 6 of the Charter, were open and notorious or otherwise generally known to the members, so that its membership in general may justly be held to have had knowledge of them at some relevant time.

(b) Evidence is not considered to be relevant in this proceeding which bears only on whether a particular individual was a voluntary or involuntary member or whether he was or was not ignorant of criminal purpose and innocent of criminal activity.

(c) While the Tribunal has concluded that evidence may be taken bearing on the issues defined in paragraph 6(a) hereof, it reserves its judgment as to the materiality of each of these issues in the determination of the criminality of groups or Organizations under Article 9 of the Charter.

/s/ W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

Copies to:
All Judges
Chief Prosecutors (Capt. Wurmser)
British Secretary
French Secretary
Soviet Secretary
Major Coleman
Colonel Ray
Colonel Neave
Major Paulsen
Mr. Willey
File

Office of
The General Secretary

13 March 1946

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2. An Officer shall be appointed to accompany Defense Counsel to Camps or other places whose duty shall be to ensure that Defense Counsel are afforded access to members of accused Organizations interned or at liberty and that subject to security regulations they shall receive facilities for consultation with any persons they may desire to select as witnesses and he shall render every assistance that may permit a free and unfettered selection. In addition the said officer shall have power to control and limit as directed by the Tribunal the number of witnesses to be brought to Nurnberg.

3. In the selection of such witnesses the Tribunal directs that Counsel for the Defense shall have regard only to the choice of persons possessing knowledge of matters relevant to the criminal or non-criminal character of the Organizations as provided in paragraph 6 hereunder.

4. When these persons have been brought to Nurnberg Counsel shall have free access to them for the purpose of ascertaining which if any of them Counsel desire to call as witnesses before the Tribunal and which if any of them they desire to examine before a Commissioner. At such examination before a Commissioner Counsel for the Defense and for the Prosecution shall have the usual rights of examination, cross-examination, and re-examination and evidence taken shall be recorded by the Commissioner. The Commissioner shall be Lt. Colonel Neave and he shall have power to hear evidence in Nurnberg or in exceptional cases elsewhere at his discretion and shall recommend to the Tribunal suitable persons to be appointed Assistant Commissioners if the necessity should arise.
This Order shall be carried out under the direction of Lt. Colonel A.M.S. Neave, in collaboration with the Office of the General Secretary and subject to necessary security regulations.

5. After such selection of oral witnesses and examination of other persons Counsel may apply to the Tribunal for leave to call the selected oral witnesses and to offer the evidence of the persons examined provided that their evidence is relevant and not cumulative. Counsel shall also be entitled to apply to the Tribunal to send interrogatories in appropriate cases.

6(a) In this proceeding evidence is considered to be relevant which bears upon the following issues:

(1) Whether the Organization or group charged consisted substantially of an aggregation of persons sharing a general common purpose to engage in activity defined as criminal under Article 6 of the Charter, and, in this connection, what the aims, tasks, activities, methods, structure and component parts of the Organization were;

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(2) Whether membership in the Organization or group was generally voluntary or the result of physical compulsion or legal decree;

(3) Whether the purposes or activities of the Organization or group, defined as criminal under Article 6 of the Charter, were open and notorious or otherwise generally known to the members, so that its membership in general may justly be held to have had knowledge of them at some relevant time.

(b) Evidence is not considered to be relevant in this proceeding which bears only on whether a particular individual was a voluntary or involuntary member or whether he was or was not ignorant of criminal purpose and innocent of criminal activity.

(c) While the Tribunal has concluded that evidence may be taken bearing on the issues defined in paragraph 6(a) hereof, it reserves its judgment as to the materiality of each of these issues in the determination of the criminality of groups or Organizations under Article 9 of the Charter.

/s/ W. L. Mitchell

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

Copies to:
All Judges
Chief Prosecutors (Capt. Wurmser)
British Secretary
French Secretary
Soviet Secretary
Major Coleman
Colonel Ray
Colonel Neave
Major Paulsen
Mr. Willey
File

H2787 - 0010

INTERNATIONAL MILITARY TRIBUNAL
Office of the General Secretary

26 February 1945

The Tribunal makes the following order with respect to the applications for witnesses and documents filed on behalf of the defendants Goering. Hess, Ribbentrop and Keitel:

WITNESSES

Goering

1. The following witnesses are granted:

Bodenchatz
Dahlerus
Brauchitsch
Kesselring
Milch
Lohse
Dr. Paul Schmidt (Interpreter)

2. The following witnesses are granted if they are found to be in Germany; otherwise, interrogatories are allowed:

Keller
Koerner

3. Interrogatories are allowed to the following:

Ueberreither
Halifax
Obilvie-Forbes
Hammerstein
Kammhuber
Student
Ondarza
Bunjes

Hess

1. The following witnesses are granted:

Sperr
Bohle

2. Counsel is granted permission to interview the witness Schellenberg in the presence of a representative of the Prosecution.

3. Interrogatories are allowed to Alfred Hess.

Ribbentrop

1. The following witnesses are granted:

Gaus
Blank
Gottfriedsen
Schaub
Steengracht
Fabricius
Ritter (limited to the matter set forth in the second paragraph of the application)
Grandherr

H2787 - 0011

2. Dahlerus and Dr. Paul Schmidt (Interpreter) will be available for examination when called as witnesses for the defendant Goering.

3. Interrogatories are allowed to the following:

Hesse
Burckhardt (limited to material set forth in first paragraph of the application)
Feldscher
Londonderry
Kemsley
Beaverbrook
Vansittart
Paul Schmidt (Minister)

4. The following witnesses are denied for the reason that on the application made, it appears that their testimony would be irrelevant or cumulative:

Sonnleitner
Rintelen
Hilger
Bruns
Keestring
Churchill
Schuster
Craigis
Mensell
Doernberg
Schnurre
de Polignac (2)
de Castellane
Daladier
Bonnet
Abets
Tennant
Conwell-Evans
Jones
Michel

Keitel

1. The following witnesses are granted:

Halder (unless previously called for cross-examination during rhe Prosecution's case)
Warlimont (unless previously called for cross-examination during the Prosecution's case)
Lehmann
Reinecke
Lammers

2. With respect to co-defendants named in the application, the attention of Counsel is directed to Paragraph 6 of the order of the Tribunal of 23 February 1946.

3. Interrogatories are allowed to the following:

Blomberg
Erbe
Roemer
Romilly
Scarpini

H2787 - 0012

4. The following witnesses are denied for the reason that on the application made, it appears that their testimony would be irrelevant or cumulative:

Juned
Patterson
Peschel
Kreiger
Bergesell

DOCUMENTS

1. The following documents if not already in the defendant's possession will be made available. Passages which defendants' counsel wish to use may be included in their document books. The question of admissibility will be finally determined when each document is offered in evidence.

Goering

Warnungen und Prophezeiengen
Failure of a Mission
Dokumente Der Deutschen Politik
Rnine Pact of Locarno
Memorandum to the Locarno Powers of the 25.5.1935.
Memorandum to the Locarno Powers of 7.3.36
Speech by Ribbentrop before League of Nations on 19.3.36
Treaty of Versailles
Speech by von Neuratn of 16 October 1933
Proclamation by the Reich Government of 16.3.35
Anglo-German Naval Agreement of 17 July 1937
Step by Step, by Winston Churchill
Aufbau einer Nation, by Hermann Goering
Constitution of the German Reich of 11 August 1919
Sista Forseeket, by Danlerus
White Books of the German Foreign Office
Documentations and Reports of German Foreign Office regarding breaches of the Hague Regulations commited by Allies
Hitler Speech of 21 May 1936

Hess

Rudolf Hess Speeches
Conversation with Lord Simon
Directives by the Deputy of the Fuehrer
"....additional pages from documents already collected by the prosecution in the document book, Rudolf Hess."

Ribbentrop

German White Books of the years 1939-1940
Polish document on history of period preceding the War, Berlin, 19 40
French Yellow Book on history of period preceding the war
Reports of League of Nations concerning hardships of minorities in Europe, Polish section
Proceedings of disarmament conferences of the League of Nations (concerning Germany, France, England)
Count Ciano's Diary

H2787 - 0013

Failure of a Mission
Step by Step, by Churchill
This Man Ribbentrop, By Schwartz
Polish White Book
Ray, Commentaire au Pacte de la Societe des Nations
Gerhard Jentzsahm, The Chamerlein Cabinet and the Outbreak of the War 1939
Wheeler, The Disarmament Conference
Schueking and Weber and Weber, The League of Nations, Vol. 1

Keitel

Expert's Opinion on State laws
Order of the Fuehrer Nr. 1
1915-PS
2031-PS
Decision of the Reich Cabinet of 21 May 1935
Minutes of 12th Meeting of Reich Committee of experts for defense of the Reich
Minutes of 11th meeting of the Reich Defense Committee
Minutes of 12 meetings of the Reichs Defense Committee
Law for the Defense of the Reich
Excerpt from record of the meeting of the IMT of 7.2.46
C-194
Army regulations g2 (Service Instructions for the Branches of the Wartime Army)
Special Penal Law in War Army Regulation 3/13
666-F
673-F
107-F
USSR 168
USSR 90
USSR 2
Molotov Note, 27.4.42
USSR 115
USSR 36
"Gruene Mappe", USSR 10
USSR 386
USSR 364
USSR 106
USSR 389

2. Applications by the defendant Ribbentrop for the following documents are returned for a specification of the material desired and the dates upon which it appeared;

Daily Telegraph, complete file for month of September 1939
Times, complete file for month of September 1939
New York Times, complete file for month of September 1939
Baseler or Zuericher Nachrichten, complete file for September 1939

With respect to the number of the Daily Telegraph for 31 August 1939, said to have been withdrawn from circulation, no action will be taken pending inquiry by the General Secretary into the existence of the document in question.

3. The application of the defendant Keitel to use the affidavits of the following persons is denied on the ground that they may be called as witnesses:

Affidavit of the retired Reichsminister Hermann Goering, Characteristics of Keitel

H2787 - 0014

Affidavit of defendant Wilhelm Keitel re Personality of Hitler
Affidavit by General-Judge Dr. Lehmann on the question, Field Marshal Keitel as Chief of the High Command of the Armed Forces
Affidavit by General Warlimont on the position of Field Marshal Keitel as Chief of the High Command of the Armed Forces
Affidavit by Admiral Raeder on the position of Field Marshl Keitel as Chief of the High Command of the Armed Forces
Affidavit by Admiral Doenitz on the position of Field Marshal Keitel as Chief of the High Command of the Armed Forces
Affidavit of General Reinecke on the High Command of the Armed Forces and the Prisoners of War System

4. The following documents are denied as irrelevant:

Goering

Der Ureprung des Weltkrieges
Speech by President Wilson of 8 January 1918
Note of President Wilson of 5 November 1918
Speech by Paul Boncour of 8 April 1927
Speech by General Bliss (USA) in Philadelphia
Speech by Lloyd George on 7 November 1927
Articles in "Revue de Paris", Cecil Viscount, 1 March 1924 and 18 November 1926
Memorandum for the Peach Conferences of 25 March 1919, Lloyd George
Letter to Lloyd George, 22.5.19., by General Smutz
Letter to President Wilson, 30.5.19., by General Smutz
Missive of October 192[illegible] to Professor Ludwig Stein by Tchitcherin
Total War, by Fuller

Keitel

The Need for a Ministry for Armament, by Williason
Decree concerning the Establishment of a Military Academy
Total War, General Fuller
The Whispering Gallery of Europe, by Temperley
Copy from a report to the Daily Express by Lloyd George
Excerpt from The Anschluss Problem in its Cultural, Political and Economic Importance
Secand memorandum of the Austrian-German Volkebund Vienna 1926
Third memorandum of the Austrian-German Volksbund Vienna 1931

FOR THE TRIBUNAL:

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

INTERNATIONAL MILITARY TRIBUNAL
Office of the General Secretary

26 February 1946

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Hammerstein
Kammhuber
Student
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Bunjes

Hess

1. The following witnesses are granted:

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Bohle

2. Counsel is granted permission to interview the witness Schellenberg in the presence of a representative of the Prosecution.

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Ribbentrop

1. The following witnesses are granted:

Gaus
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Schaub
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Fabricius
Ritter (limited to the matter set forth in the second paragraph of the application)
Grandherr

H2787 - 0015

H2787 - 0016

2

Ribbentrop (Cont'd)

2. Dahlerus and Dr. Paul Schmidt (Interpreter) will be available for examination when called as witnesses for the defendant Goering.

3. Interrogatories are allowed to the following:

Hesse
Burckhardt (limited to material set forth in first paragraph of the application)
Feldscher
Londonderry
Kemsley
Beaverbrook
Vansittart
Paul Schmidt (Minister)

4. The following witnesses are denied for the reason that on the application made, it appears that their testimony would be irrelevant or cumulative:

Sonnleitner
Rintelen
Hilger
Bruns
Koestring
Churchill
Schuster
Craigie
Monsell
Doernberg
Schnurre
de Polignac (2)
de Castellane (2)
Daladier
Bonnet
Abetz
Tennant
Conwell-Evans
Jones
Michel

Keitel

1. The following witnesses are granted:

Halder (unless previously called for cross-examination during the Prosecution's case)
Warlimont (unless previously called for cross-examination during the Prosecution's case)
Lehmann
Reinecke
Lammers

2. With respect to co-defendants named in the application, the attention of Counsel is directed to Paragraph 6 of the order of the Tribunal of 23 February 1946.

3. Interrogatories are allowed to the following:

Blomberg
Erbe
Roemer
Romilly
Scarpini

H2787 -0017

Keitel (Cont'd)

4. The following witnesses are denied for the reason that on the application made, it appears that their testimony would be irrelevant or cumulative:

Junod
Patterson
Peschel
Kreiger
Hergesell

DOCUMENTS

1. The following documents if not already in the defendant's possession will be made available. Passages which defendants' counsel wish to use may be included in their document books. The question of admissibility will be finally determined when each document is offered in evidence.

Goering

Warnungen und Prophezeiengen
Failure of a Mission
Dokumente Der Deutschen Politik
Rhine Pact of Locarno
Memorandum to the Locarno Powers of the 25.5.1935
Memorandum to the Locarno Powers of 7.3.36
Speech by Ribbentrop before League of Nations on 19.3.36
Treaty of Versailles
Speech by von Neurath of 16 October 1933
Proclamation by the Reich Government of 16.3.35
Anglo-German Naval Agreement of 17 July 1937
Step by Step, by Winston Churchill
Aufbau einer Nation, by Hermann Goering
Constitution of the German Reich of 11 August 1919
Sista Forsoeket, by Dahlerus
White Books of the German Foreign Office
Documentations and Reports of German Foreign Office regarding breaches of the Hague Regulations committed by Allies
Hitler Speech of 21 May 1936

Hess

Rudolf Hess Speeches
Conversation with Lord Simon
Directives by the Deputy of the Fuehrer
"....additional pages from documents already collated by the prosecution in the document book, Rudolf Hess."

Ribbentrop

German White Books of the years 1939-1940
Polish document on history of period preceding the war, Berlin, 1940
French Yellow Book on history of period preceding the war
Reports of League of Nations concerning hardships of minorities in Europe, Polish section
Proceedings of disarmament conferences of the League of Nations (concerning Germany, France, England)
Count Ciano's Diary

H2787 - 0018

Ribbentrop (Cont'd)

- Failure of a Mission
- Step by Step, by Churchill
- This Man Ribbentrop, by Schwartz
- Polish White Book
- May, Commentaire au Pacte de la Societe des Nations
- Gerhard Jentsche, The Chamberlain Cabinet and the Outbreak of the War 1939
- Wheeler, The Disarmament Conference
- Schueking and Weber and Weber, The League of Nations, Vol. 1

Keitel

- Expert's opinion on State laws
- Order of the Fuehrer Nr. 1
- 1915-PS
- 2031-PS
- Decision of the Reich Cabinet of 21 May 1935
- Minutes of 12th meeting of Reich Committee of experts for defense of the Reich
- Minutes of 11th meeting of the Reich Defense Committee
- Minutes of 12 meetings of the Reichs Defense Committee
- Law for the Defense of the Reich
- Excerpt from record of the meeting of the IMT of 7.2.1946
- C-194
- Army regulations #2 (Service Instructions for the Branches of the Wartime Army)
- Special Penal Law in War Army Regulation 3/13
- 666-F
- 673-F
- 107-F
- USSR 168
- USSR 90
- USSR 2
- Molotov Note, 27.4.42
- USSR 115
- USSR 36
- "Gruene Mappe", USSR 10
- USSR 386
- USSR 364
- USSR 106
- USSR 389

2. Applications by the defendant Ribbentrop for the following documents are returned for a specification of the material desired and the dates upon which it appeared:

- Daily Telegraph, complete file for month of September 1939
- Times, complete file for month of September 1939
- New York Times, complete file for month of September 1939
- Baseler or Zuericher Nachrichten, complete file for September 1939

With respect to the number of the Daily Telegraph for 31 August 1939, said to have been withdrawn from circulation, no action will be taken pending inquiry by the General Secretary into the existence of the document in question.

3. The application of the defendant Keitel to use the affidavits of the following persons is denied on the ground that they may be called as witnesses:

- Affidavit of the retired Reichsminister Hermann Goering,
- Characteristics of Keitel

H2787 - 0019

Affidavit of defendant Wilhelm Keitel re Personality of Hitler
Affidavit by General-Judge Dr. Lehmann on the question, Field Marshal Keitel as Chief of the High Command of the Armed Forces
Affidavit by General Warlimont on the position of Field Marshal Keitel as Chief of the High Command of the Armed Forces
Affidavit by Admiral Raeder on the position of Field Marshal Keitel as Chief of the High Command of the Armed Forces
Affidavit by Admiral Doenitz on the position of Field Marshal Keitel as Chief of the High Command of the Armed Forces
Affidavit by General Reinecke on the High Command of the Armed Forces and the Prisoners of War System

4. The following documents are denied as irrelevant:

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Speech by Paul Boncour of 8 April 1927
Speech by General Bliss (USA) in Philadelphia
Speech by Lloyd George on 7 November 1927
Articles in "Revue de Paris", Cecil Viscount, 1 March 1924 and 15 November 1926
Memorandum for the Peace Conferences of 25 March 1919, Lloyd George
Letter to Lloyd George, 22.5.19., by General Smuts
Letter to President Wilson, 30.5.19., by General Smuts
Missive of October 1924 to Professor Ludwig Stein by Tchitcherin
Total War, by Fuller

Keitel

The Need for a Ministry for Armament, by Williamson
Decree concerning the Establishment of a Military Academy
Total War, General Fuller
The Whispering Gallery of Europe, by Temperley
Copy from a report to the Daily Express by Lloyd George
Excerpt from The Anschluss Problem in its Cultural, Political and Economic Importance
Second memorandum of the Austrian-German Volksbund Vienna 1926
Third memorandum of the Austrian-German Volksbund Vienna 1931

FOR THE TRIBUNAL:

W. L. MITCHELL
Brigadier General, U.S. Army
General Secretary

H2787 - 0020

3 December 1945

NOTICE TO ALL COUNSEL FOR DEFENDANTS

Interrogation of Defendants

The following extract of a Memorandum to the U. S. Chief of Counsel by the Tribunal dated 29 November 1945, is published for the information of all concerned:

> "The Tribunal holds, that Defendants may be interrogated with their consent, but that they must be informed that they are entitled to have their counsel present, and that their counsel are entitled to ask them questions."

/s/ WLM

WILLIAM L. MITCHELL
Brigadier General, U.S. Army
General Secretary

COPY TO:
CG, IMT Command
Colonel Andrus
Capt. Wurmser

H2787 – 0021

3 December 1945

NOTICE TO ALL COUNSEL FOR DEFENDANTS

Interrogation of Defendants

The following extract of a Memorandum to the U. S. Chief of Counsel by the Tribunal dated 29 November 1945, is published for the information of all concerned:

> "The Tribunal holds, that Defendants may be interrogated with their consent, but that they must be informed that they are entitled to have their counsel present, and that their counsel are entitled to ask them questions."

/s/ WLM

WILLIAM L. MITCHELL
Brigadier General, U.S. Army
General Secretary

COPY TO:
CG, IMT Command
Colonel Andrus
Capt. Wurmser

H2787 – 0022

INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GORING, et al.

Defendants

Order

WHEREAS and indictment has been lodged with the Tribunal against the above defendants:

AND WHEREAS such indictment shows that the Chief Prosecutors intend to ask this Tribunal:

(1) to find that certain of the defendants were members of DIE REICHSREGIERUNG (REICH CABINET): DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITER-PARTEI (commonly known as the "SS"), and including the SICHERHEITSDIENST (commonly known as the "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (commonly known as the "SA"); and the GENERAL STAFF and the HIGH COMMAND of the GERMAN ARMED FORCES, and

(2) to declare that said groups and organizations were criminal organizations

IT IS HEREBY ORDERED that notice shall be given to the members of such groups and organizations in the following form and manner:

(a) Form of Notice
(Reproduced separately)

H2787 - 0023

(b) Manner of Notice

IT IS FURTHER ORDERED:

THAT publication in the German language be made throughout the zones of occupation in Germany over the radio, in newspapers and, if practicable, by the form of postings ordinarily employed by the military authorities in conveying information to the civilian population. Such radio and newspaper publication shall be made once a week for four weeks and over a sufficient number of radio stations, in a sufficient number of newspapers or by posting in a sufficient number of places to give the widest possible dissemination throughout the occupied territory of the notice set forth in paragraph (a) above.

THAT publication in the German language be made wherever practicable in the prisoner of war camps in which Germans are imprisoned, in such manner as the officers commanding such camps may decide.

The appropriate occupation authorities are requested to cooperate with the General Secretary of the International Military Tribunal in making this publication and the General Secretary shall make written report to the Tribunal of the action taken.

Geoffrey Lawrence
President

Attest:

Harold B. Willey
General Secretary

H2787 - 0024

Statement by the Presiding Member of the Tribunal at the Opening Meeting of the Tribunal for the Receipt of the Indictment by the Tribunal from The Chief Prosecutors.

In pursuance of the Agreement by the Government of the Union of Soviet Socialist Republics, the provisional Government of the French Republic, the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the prosecution and punishment of the major war criminals of the European Axis dated at London 8th August, 1945, and of Article 22 of the Charter annexed thereto constituting this International Military Tribunal, this meeting is held at Berlin for the reception of the Indictment under the Agreement and Charter.

I hereby announce that the meeting of the International Military Tribunal is open.

H2787 – 0025

Rule 2(d)

Each Defendant has the right to conduct his own defense or to have the assistance of counsel. Application for particular counsel shall be filed at once with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any Defendant who fails to apply for particular counsel or, where particular counsel requested is not within ten (10) days to be found or available, unless the Defendant elects in writing to conduct his own defense. If a Defendant has requested particular counsel who is not immediately to be found or available, such counsel or a counsel of substitute choice may, if found and available before trial, be associated with or substituted for counsel designated by the Tribunal, provided that (1) only one counsel shall be permitted to appear at the trial for any Defendant, unless by special permission of the Tribunal, and (2) no delay of trial will be allowed for making such substitution or association.

H2787 - 0026

INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GORING, et al.

Defendants

Order

WHEREAS and indictment has been lodged with the Tribunal against the above defendants:

AND WHEREAS such indictment shows that the Chief Prosecutors intend to ask this Tribunal:

(1) to find that certain of the defendants were members of DIE REICHSREGIERUNG (REICH CABINET): DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITER-PARTEI (commonly known as the "SS"), and including the SICHERHEITSDIENST (commonly known as the "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (commonly known as the "SA"); and the GENERAL STAFF and the HIGH COMMAND of the GERMAN ARMED FORCES, and

(2) to declare that said groups and organizations were criminal organizations

IT IS HEREBY ORDERED that notice shall be given to the members of such groups and organizations in the following form and manner:

(a) Form of Notice
(Reproduced separately)

H2787 - 0027

(b) Manner of Notice

IT IS FURTHER ORDERED:

THAT publication in the German language be made throughout the zones of occupation in Germany over the radio, in newspapers and, if practicable, by the form of postings ordinarily employed by the military authorities in conveying information to the civilian population. Such radio and newspaper publication shall be made once a week for four weeks and over a sufficient number of radio stations, in a sufficient number of newspapers or by posting in a sufficient number of places to give the widest possible dissemination throughout the occupied territory of the notice set forth in paragraph (a) above.

THAT publication in the German language be made wherever practicable in the prisoner of war camps in which Germans are imprisoned, in such manner as the officers commanding such camps may decide.

The appropriate occupation authorities are requested to cooperate with the General Secretary of the International Military Tribunal in making this publication and the General Secretary shall make written report to the Tribunal of the action taken.

Geoffrey Lawrence
President

Attest:

Harold B. Willey
General Secretary

INTERNATIONAL MILITARY TRIBUNAL

H2787 - 0028

Statement by the Presiding Member of the Tribunal at the Opening Meeting of the Tribunal for the Receipt of the Indictment by the Tribunal from The Chief Prosecutors.

In pursuance of the Agreement by the Government of the Union of Soviet Socialist Republics, the provisional Government of the French Republic, the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the prosecution and punishment of the major war criminals of the European Axis dated at London 8th August, 1945, and of Article 22 of the Charter annexed thereto constituting this International Military Tribunal, this meeting is held at Berlin for the reception of the Indictment under the Agreement and Charter.

I hereby announce that the meeting of the International Military Tribunal is open.

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THE INTERNATIONAL MILITARY TRIBUNAL

Rule 2(d)

Each Defendant has the right to conduct his own defense or to have the assistance of counsel. Application for particular counsel shall be filed at once with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any Defendant who fails to apply for particular counsel or, where particular counsel requested is not within ten (10) days to be found or available, unless the Defendant elects in writing to conduct his own defense. If a Defendant has requested particular counsel who is not immediately to be found or available, such counsel or a counsel of substitute choice may, if found and available before trial, be associated with or substituted for counsel designated by the Tribunal, provided that (1) only one counsel shall be permitted to appear at the trial for any Defendant, unless by special permission of the Tribunal, and (2) no delay of trial will be allowed for making such substitution or association.

INTERNATIONAL MILITARY TRIBUNAL

H2787 – 0030

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GORING, et al.

Defendants

Order

WHEREAS and indictment has been lodged with the Tribunal against the above defendants:

AND WHEREAS such indictment shows that the Chief Prosecutors intend to ask this Tribunal:

(1) to find that certain of the defendants were members of DIE REICHSREGIERUNG (REICH CABINET): DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP COPPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITER-PARTEI (commonly known as the "SS"), and including the SICHERHEITSDIENST (commonly known as the "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (commonly known as the "SA"); and the GENERAL STAFF and the HIGH COMMAND of the GERMAN ARMED FORCES, and

(2) to declare that said groups and organizations were criminal organizations

IT IS HEREBY ORDERED that notice shall be given to the members of such groups and organizations in the following form and manner:

(a) Form of Notice
(Reproduced separately)

H2787 -0031

(b) Manner of Notice

IT IS FURTHER ORDERED:

THAT publication in the German language be made throughout the zones of occupation in Germany over the radio, in newspapers and, if practicable, by the form of postings ordinarily employed by the military authorities in conveying information to the civilian population. Such radio and newspaper publication shall be made once a week for four weeks and over a sufficient number of radio stations, in a sufficient number of newspapers or by posting in a sufficient number of places to give the widest possible dissemination throughout the occupied territory of the notice set forth in paragraph (a) above.

THAT publication in the German language be made wherever practicable in the prisoner of war camps in which Germans are imprisoned, in such manner as the officers commanding such camps may decide.

The appropriate occupation authorities are requested to cooperate with the General Secretary of the International Military Tribunal in making this publication and the General Secretary shall make written report to the Tribunal of the action taken.

Geoffrey Lawrence
President

Attest:

Harold B. Willey
General Secretary

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INTERNATIONAL MILITARY TRIBUNAL

Statement by the Presiding Member of the Tribunal at the Opening Meeting of the Tribunal for the Receipt of the Indictment by the Tribunal from The Chief Prosecutors.

In pursuance of the Agreement by the Government of the Union of Soviet Socialist Republics, the provisional Government of the French Republic, the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the prosecution and punishment of the major war criminals of the European Axis dated at London 8th August, 1945, and of Article 22 of the Charter annexed thereto constituting this International Military Tribunal, this meeting is held at Berlin for the reception of the Indictment under the Agreement and Charter.

I hereby announce that the meeting of the International Military Tribunal is open.

H2787 - 0033

THE INTERNATIONAL MILITARY TRIBUNAL

Rule 2(d)

Each Defendant has the right to conduct his own defense or to have the assistance of counsel. Application for particular counsel shall be filed at once with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any Defendant who fails to apply for particular counsel or, where particular counsel requested is not within ten (10) days to be found or available, unless the Defendant elects in writing to conduct his own defense. If a Defendant has requested particular counsel who is not immediately to be found or available, such counsel or a counsel of substitute choice may, if found and available before trial, be associated with or substituted for counsel designated by the Tribunal, provided that (1) only one counsel shall be permitted to appear at the trial for any Defendant, unless by special permission of the Tribunal, and (2) no delay of trial will be allowed for making such substitution or association.

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18 October 1946

COURT RULINGS ON FINAL RECORD

Minutes - 5 January 1946

The Tribunal discussed at length the various problems regarding the formal record of proceedings of the Tribunal. During this discussion representatives of the Prosecution, Defense, the Soviet, British, French and American Secretaries and the Translation Division were present. The Tribunal made the following decision:

a. The Translation Division should continue the work of preparing a corrected text in English of the proceedings in Court by checking the stenographer's transcript with the film record of the proceedings.

b. This corrected text in English should be submitted to the General Secretary who should arrange with the Soviet and French Secretaries for the preparation of the corrected texts in Russian and French.

c. The General Secretary should also arrange for the preparation of a corrected text in German, and Dr. Stahmer promised the full cooperation of the Defense Counsel in this work.

d. The General Secretary, together with the four National Secretaries, after consultation with the Prosecutors and the Defense Counsel, should make what minor grammatical and other emendations to the four corrected texts they consider necessary in order that the texts should be complete and without manifest error. Should the General Secretary and the four National Secretaries fail to reach agreement on some of the proposed emendations, the matter is to be referred to the Tribunal for their decision.

e. The General Secretary should then issue the corrected emended texts in English, Russian, French, and German.

f. The Tribunal decided to defer for the time being the further questions relating to the form of the final record.

Lieutenant Commander Steer, of the Translation Division, undertook to supply the Tribunal with a copy of the instructions given to the staff so that the Tribunal would be aware of the principles upon which the corrected text was being prepared, and the extent of the alterations and emendations.

Minutes - 6 March 1946

The Tribunal agreed to adopt the following resolution pertaining to the printing of the transcripts:

a. That the official revised transcript of the proceedings in Court be printed officially on behalf of the Tribunal in English, French, German, and Russian as soon as the texts have been certified.

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b. That the General Secretary be authorized to arrange for the employment of a Director of Printing, with necessary staff and facilities, who shall be charged with the duty of printing the transcript and settling all technical problems of supply and similar matters.

c. That the General Secretary be charged with the editorial supervision of the work, and that he be directed to carry this out in such a manner as to facilitate the addition of further material whenever the Tribunal so decides.

d. That, for the purpose of obtaining the necessary supplies and funds, the General Secretary be directed to proceed on the basis of Lieutenant Commander Steer's memorandum of 19 February 1946.

e. That the Control Counsel be informed of the Tribunal's resolution and be requested to grant the necessary facilities in respect to paper, materials and funds.

Minutes - 4 May 1946

The recommendations for the material to be printed in the first volume of the transcript of the proceedings of the trials as submitted by the Committee were considered. After discussion it was agreed that the following would be included in the first volume--the exact order in the printed volume to be an editorial decision when all the material is available:

1. Title page.
2. Table of contents.
3. List of judges.
4. List of prosecutors - legal not administrative.
5. List of defense counsel and associates.
6. List of principal officials of General Secretariat and Secretariats of four nations.
7. Agreements of the 8th of August and Charter.
8. Indictment.
9. Rules of procedure.
10. Certificates of Service of Indictment on defendants.
11. Written Order as to publication of notices to defendant Bormann and members of groups and organizations.
12. Report of Major Hortin as to publication of notices and any subsequent such reports.
13. Report of the proceedings in open session in Berlin on lodging of Indictment.
14. Transcripts of open sessions at Nurnberg prior to 20 November 1945.
15. Any written motions made to the Tribunal referred to in the preliminary open sessions.
16. Doctors' reports on the defendant Krupp.
17. Order as to medical examination of Hess.
18. Doctors' reports on the defendant Hess.
19. Doctors' reports on the defendant Streicher.

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Minutes - 6 May 1946

The Tribunal discussed the problem of the printing of the record. Mr. Biddle submitted a proposed order on this subject which was turned over to Mr. Barton for study and report by the Committee. It was further decided that in the meantime the members of the Tribunal would discuss the proposed order with the Chief Prosecutors. It was decided that recommendations for the position of Editor should be made by the Committee.

Minutes - 30 May 1946

ORDER FOR PRINTING OF RECORD

(1) Every document or portion of a document offered in evidence, or of which judicial notice was taken by the Tribunal, shall be lodged with the General Secretary.

(2) The General Secretary shall, subject to the approval of the Tribunal, employ under his direction an Editor of the Record, with appropriate staff and facilities, who shall be charged with the duty of arranging, editing and preparing for printing, and printing, material authorized to be printed by the Tribunal. There shall be printed, in addition to what the Tribunal has already authorized, under further orders of the Tribunal, material from the following:

(a) entire documents which are submitted, or from which extracts have been submitted;
(b) photographs and descriptions or photographs of non-documentary exhibits;
(c) documents or parts of documents judicially noticed by the Tribunal;
(d) published orders of the Tribunal not included in the transcript;
(e) such further material as the Tribunal from time to time may direct.

(3) The General Secretary shall

(a) prepare a list of all documents put in evidence before the Tribunal or noticed judicially by the Tribunal, and shall indicate therein those documents which have not been read and those documents from which extracts only have been read;
(b) ascertain and report to the Tribunal the views of the chief prosecutors and defense counsel as to those documents, or parts of documents, which they recommend for printing;
(c) ascertain and report to the Tribunal to what extent there are available translations into English, French, German and Russian of the material recommended in Paragraph (2) above.

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Minutes - 14 August 1946

The Tribunal revised the ruling of 1 December 1945 regarding custodian of fund established by the International Military Tribunal, to read as follows:

> The General Secretary is hereby authorized and directed to draw on the Tribunal fund for the purpose of paying expenses of the Tribunal and the present trial, including such items as counsel fees and costs, and expenses incident to the printing of the record.

Minutes - 14 August 1946

The request of the General Secretary for authorization to employ Professor Herbert Kraus as Assistant to the Editor of the Record on behalf of the Defense Counsel was approved by the Tribunal. The General Secretary is authorized to pay Dr. Kraus a salary of 3,500 RM per month.

Minutes - 29 September 1946

I. After receiving reports of Lieutenant Colonel L. D. Egbert, the Editor of the Record, and of Commander Steer, Head of the Translation Division, the Tribunal made the following decisions with respect to the printing of the record:

1. The printed Record will be in all four languages with the exception of the documents or parts of documents referred to in Paragraphs 2 b and c below, which will be printed in their original language only.

2. In addition to the material agreed upon by the Tribunal on 4 May 1946, there shall be printed:

a. The corrected transcript of the shorthand notes.

b. The documents or parts of documents filed as exhibits with the Tribunal together with any additional parts of such documents recommended in accordance with the Tribunal's order of 30 May 1946 by the Prosecution and Defense Counsel and approved by the Editor. These documents consist of:

(1) Documents filed as exhibits with the Tribunal, the whole or parts of which were read into the record.

(2) Documents filed as exhibits with the Tribunal, which, when "cited", had not been translated and which, on or before 31 August, were translated in all four languages so as to make them admissible.

c. Documents which were "judicially noticed" by the Tribunal. This class of documents includes treaties, laws, official publications, books, magazines and newspapers of national circulation as well as the documents specified in Article 21.

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d. (1) Final report on defense witnesses for organizations by Lieutenant Colonel Neave.

(2) Summaries of witnesses heard before the Commission.

(3) Summaries of affidavits presented to the Commission.

e. Photographs filed as exhibits.

f. Descriptions or photographs of material exhibits.

g. Copies of visual aids, such as charts, etc.

h. The judgment and sentences.

3. a. The following number of volumes will be printed: 10,000 in English, 5,000 in French, 5,000 in Russian, and 5,000 in German.

b. The General Secretary, upon the completion of the printing of the record or parts thereof, shall notify the Control Council in Berlin and shall make distribution in accordance with its instructions.

4. With regard to the printing of the Russian editions, the Tribunal approves the following arrangements:

a. That the Tribunal pay all expenses of the printing of the Russian edition, with the exception of the salaries of Soviet employees, such as proof readers.

b. That the Office of Director of Printing supply all materials needed for the Russian edition.

c. That the printing and binding be done in Leipzig, because of the availability in the Russian Zone of Russian type and Russian employees.

d. That the Editor and Printer be responsible for the supervision of the publication of the Russian edition, as well as the English, French, and German editions.

5. In accordance with the request of the Editor that certain persons should assist him in the preparation of the Printed Record, the appointment of the following persons is approved:

a. Mr. Mercer of the Translation Division, representing the British Delegation;

b. Mr. Fuster, representing the French Delegation;

c. Major Poltorak, representing the Soviet Delegation;

d. Dr. Kraus, representing the Defense Counsel.

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The above named persons will be responsible for finally corrected texts for publication in the languages which they represent. The Editor will assist them in every way possible to assure uniformity in the several texts.

6. The General Secretary shall remain in office in Nurnberg with an adequate staff until the record and printing thereof is complete.

7. The General Secretary shall make the necessary arrangements with the Control Council for the provision of funds to pay expenses of his office and the salaries of the personnel required for translation and other purposes incident to the printing of the record.

8. If the General Secretary has any questions in connection with the printing of the record upon which he requires a decision, these questions shall be referred to the Control Council.

II. After hearing the views of the four Chief Prosecutors, the Tribunal reaffirmed Rule 10 of the rules of procedure relative to the withdrawal of documents and substitution of certified copies thereof. On receipt of applications from the Prosecution or Defense, the General Secretary is authorized to act on behalf of the Tribunal in "permitting" the withdrawal and substitution as laid down in Rule 10.

Minutes - 1 October 1946

I. The Tribunal made the following decisions regarding the archives:

A. The archives will consist of:

1. a. The "master" copy of the final corrected transcript of the shorthand notes in each of the four languages certified by the General Secretary. not here

b. A copy of the uncorrected transcript of the shorthand notes in each of the four languages. English, French, German

c. The electrical recording of the proceedings.

2. The four copies of the indictment actually lodged with the Tribunal in Berlin in October 1945. not here English

3. The originals of the rules of procedure, written orders of the Tribunal, etc., in all four languages. No originals.

4. The original minutes of the closed sessions of the Tribunal. 2 vols.

5. Documentary and other exhibits, viz:

a. All original documents filed as exhibits with the Tribunal and not withdrawn in accordance with Rule 10.

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b. Copies of all original documents filed as exhibits with the Tribunal and withdrawn in accordance with Rule 10.

c. Certified copies, or officially printed copies, of all documents "judicially noticed" by the Tribunal.

d. Material exhibits.

e. Films shown to the Tribunal.

f. Visual aids such as charts, etc., used by the Tribunal.

g. Transcript of the shorthand notes of the evidence heard before the Commission.

h. Affidavits presented to the Commission.

i. The summaries of witnesses heard before the Commission.

j. The summaries of affidavits presented to the Commission.

k. Lieutenant Colonel Neave's report on defense witnesses for the organizations.

6. The signed judgment and sentences in each of the four languages.

II. The General Secretary will prepare and certify a schedule, to be preserved with the archives, of all the documentary and other exhibits included in the archives. This schedule will be sufficiently detailed to identify each document by reference to its title and, in appropriate cases, its exhibit and series number. In the cases of non-original documents, the schedule should, if possible, state where and in whose custody the originals are at the time of preparation of the schedule.

III. The archives shall be kept by the General Secretary so long as that office remains in existence and thereafter at The Permanent Court of International Justice of The Hague.

IV. Official representatives of the four signatory powers shall be permitted to copy by photostat, microfilm, or in any other way, any item included in the archives.

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INTERNATIONAL MILITARY TRIBUNAL

No. 1

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GÖRING, et al

Defendants

MOTION FOR CERTAIN PROCEDURAL ORDERS

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1. In contemplation of the filing of an indictment in the above entitled matter, the Chief Prosecutors have prepared and present herewith proposed orders as follows:

(a) Order relating to service on individual defendants in custody of the following: Indictment, Notice Relating to Defense Counsel, Agreement and Charter, and the Rules of Procedure;

(b) Order relating to notice to members of groups and organizations charged to be criminal;

(c) Order relating to notice to the defendant Martin Bormann; and

(d) Order fixing date of commencement of trial.

2. The Chief Prosecutors move the Tribunal to adopt the

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attached proposed orders immediately upon receipt of the indictment.

Robert H. Jackson
by Francis De. Shea

Robert H. Jackson, Acting on behalf of the United States of America

François de Menthon
par Charles Dubost

Francois de Menthon, Acting on behalf of the French Republic

Hartley Shawcross
Ha David Maxwell Fyfe

Hartley Shawcross, Acting on behalf of the United Kingdom of Great Britain and Northern Ireland.

R. Rudenko

R. Rudenko, Acting on behalf of The Union of Soviet Socialist Republics.

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INTERNATIONAL MILITARY TRIBUNAL

In the Matter of Consideration of Rules of Procedure

Pursuant to Article 14 (e) of the Charter of the International Military Tribunal, the Chief Prosecutors acting as a committee have drawn up and do hereby recommend to the Tribunal for its approval draft Rules of Procedure, contemplated by Article 13 of the Charter. This draft of Rules is annexed, marked "Exhibit A" and "Supplement I to Exhibit A".

Committee for the investigation and prosecution of war criminals:

Robert H. Jackson by Francis de Shea

Robert H. Jackson, Acting on behalf of the United States of America.

Francois de Menthon par Ch. Dubost

Francois de Menthon, Acting on behalf of the French Republic.

Hartley Shawcross by David Maxwell Fyfe

Hartley Shawcross, Acting on behalf of the United Kingdom of Great Britain and Northern Ireland.

R. Rudenko

R. Rudenko, Acting on behalf of The Union of Soviet Socialist Republics.

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PROPOSED ADDITIONS AND AMENDMENTS OF RULES

Rule 2(a) Right of Representation

Each defendant has the right to conduct his own defense or to be represented by counsel of his choice. Application for particular counsel shall be filed at once with the Clerk of the Tribunal at the Place of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any defendant who fails to apply for particular counsel or where particular counsel requested is not within ten (10) days to be found or available unless the defendant elects in writing to conduct his own defense. If a defendant has requested particular counsel who is not immediately to be found and available within a reasonable time before trial, be associated with or substituted for counsel designated by the Court, provided that (1) only one counsel shall be permitted to appear at the trial for any defendant and (2) no delay of trial will be allowed for making such substitution or association.

Rule 6(a)

For the purpose of discharging its obligations under Article 18 of the Charter the Court may limit argument by fixing time or ordering that particular matter is irrelevant or has been sufficiently heard.

Rule 8(a)

All motions and applications except upon interlocutory questions arising during the proceedings shall be made in writing and filed with the Clerk of the Tribunal at the Palace of Justice, Nuremberg, Germany. No argument shall be heard upon such applications or motions unless directed by the Court.

Rule 13(a)

The term "official documents" as used in Article 25 of the Charter includes the indictment, rules, written motions, orders that are reduced to writing, findings, and judgments of the Tribunal. These shall be in the English, French, Russian and German languages. Documentary evidence or exhibits may be received in either English

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French or Russian, but a translation thereof into German shall be made available to the defendants.

Rule 13(b)

All exhibits and transcripts of proceedings, all documents lodged with and produced to the Tribunal and all official acts and documents of the Tribunal may be certified by the Clerk of the Tribunal to any Government or to any other tribunal or wherever it is appropriate that copies of such documents or representations as to such acts should be supplied upon a proper request.

Rec'd 3:00 P.M.
October 12, 1945
HBud.

INTERNATIONAL MILITARY TRIBUNAL

No. 1

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GÖRING, RUDOLF HESS, JOACHIM von RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP von BOHLEN und HALBACH, KARL DÖNITZ, ERICH RAEDER, BALDUR von SHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ von PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN von NEURATH, and HANS FRITZSCHE, Individually and as Members of Any of the Following Groups or Organizations to Which They Respectively Belong, Namely: DIE REICHSREGIERUNG (REICH CABINET); DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") and including DIE SICHERHEITSDIENST (commonly known as the "SD"): DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (commonly known as the "SA") and the GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES all as defined in Appendix B.

Defendants

Pursuant to Article 14 (e) of the Charter of the International Military Tribunal, theChief Prosecutors acting as a committee have drawn up and do hereby recommend to the Tribunal for its approval draft Rules of Procedure, contemplated by Article 13 of the Charter. This draft of Rules is annexed, marked

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"Exhibit A" and "Supplement I to Exhibit A".

Committee for the investigation and prosecution of war criminals:

Robert H Jackson
by Francis B. Shea

Robert H. Jackson, Acting on behalf of the United States of America.

Francois de Menthon

Francois de Menthon, Acting on behalf of the French Republic

Hartley Shawcross
H David Rawcliffe

Hartley Shawcross, Acting on behalf of the United Kingdom of Great Britain and Northern Ireland.

R. Rudenko

R. Rudenko, Acting on behalf of The Union of Soviet Socialist Republics.

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INTERNATIONAL MILITARY TRIBUNAL

In the Matter of Consideration of Rules of Procedure

Pursuant to Article 14 (e) of the Charter of the International Military Tribunal, the Chief Prosecutors acting as a committee have drawn up and do hereby recommend to the Tribunal for its approval draft Rules of Procedure, contemplated by Article 13 of the Charter. This draft of Rules is annexed, marked "Exhibit A" and "Supplement I to Exhibit A".

Committee for the investigation and prosecution of war criminals:

Robert H. Jackson, Acting on behalf of the United States of America.

Francois de Menthon, Acting on behalf of the French Republic.

Hartley Shawcross, Acting on behalf of the United Kingdom of Great Britain and Northern Ireland.

R. Rudenko, Acting on behalf of The Union of Soviet Socialist Republics.

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PROPOSED ADDITIONS AND AMENDMENTS OF RULES

Rule 2 (a) Right of Representation

Each defendant has the right to conduct his own defense or to be represented by counsel of his choice. Application for particular counsel shall be filed at once with the Clerk of the Tribunal at the Palace of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any defendant who fails to apply for particular counsel or where particular counsel requested is not within ten (10) days to be found or available unless the defendant elects in writing to conduct his own defense. If a defendant has requested particular counsel who is not immediately to be found and available within a reasonable time before trial, be associated with or substituted for counsel designated by the Court, provided that (1) only one counsel shall be permitted to appear at the trial for any defendant and (2) no delay of trial will be allowed for making such substitution or association.

Rule 6 (a)

For the purpose of discharging its obligations under Article 18 of the Charter the Court may limit argument by fixing time or ordering that particular matter is irrelevant or has been sufficiently heard.

Rule 8 (a)

All motions and applications except upon interlocutory questions arising during the proceedings shall be made in writing and filed with the Clerk of the Tribunal at the Palace of Justice, Nuremberg, Germany. No argument shall be heard upon such applications or motions unless directed by the Court.

H2787 - 0050

Rule 13 (a)

The term "official documents" as used in Article 25 of the Charter includes the indictment, rules, written motions, orders that are reduced to writing, findings, and judgments of the Tribunal. These shall be in the English, French, Russian and German languages. Documentary evidence or exhibits may be received in either English, French or Russian, but a translation thereof into German shall be made available to the defendants.

Rule 13 (b)

All exhibits and transcripts of proceedings, all documents lodged with and produced to the Tribunal and all official acts and documents of the Tribunal may be certified by the Clerk of the Tribunal to any Government or to any other tribunal or wherever it is appropriate that copies of such documents or representations as to such acts should be supplied upon a proper request.

DOCUMENT DE TRAVAIL POUR
MESSIEURS LES JUGES FRANCAIS

H2787 - 0051

TRIBUNAL MILITAIRE INTERNATIONAL

EXAMEN DES REGLES DE PROCEDURE

En exécution des dispositions de l'article 14 (a) du Statut du Tribunal Militaire International, les Procureurs Généraux, constitués en Comité, ont rédigé et recommandent par les présentes à l'approbation du Tribunal un projet de Règles de Procédure prévu par l'article 13 des Statuts. Ce projet est annexé au présent sous les cotes "Pièce A" et "Supplément (1) à la Pièce A".

LE COMITE POUR L INSTRUCTION ET LES POURSUITES CONTRE LES CRIMINELS DE GUERRE.

Robert H. JACKSON, au nom des Etats-Unis d'Amérique

François de MENTHON, au nom de la République Française

François de Menthon
par Ch. Dubost

Hartley SHAWCROSS, au nom du Royaume Uni de Grande Bretagne et d'Irlande du Nord

R. RUDENKO, au nom de l'Union des Républiques Socialistes Soviétiques.

DOCUMENT DE TRAVAIL pour
MESSIEURS LES JUGES FRANCAIS

H2787 - 0052

ADDITIONS ET AMENDEMENTS PROPOSES POUR LES REGLES DE PROCEDURE

Règle 2 (a) - Droit de représentation

Chaque accusé a le droit de conduire sa propre défense ou d'être représenté par un Avocat de son choix. Toute demande d'un Avocat particulier sera remise immédiatement au Greffier du Tribunal au Palais de Justice de NUREMBERG (Allemagne). Ce Tribunal désignera d'office un Avocat à tout accusé qui n'en aura point choisi. De même, un Avocat sera désigné d'office lorsque l'avocat choisi n'aura pu être découvert ou n'aura pu se rendre libre dans un délai de 10 jours, à moins que l'accusé n'indique par écrit son intention de conduire sa défense lui-même. Si un accusé a demandé un Avocat particulier qui ne peut être trouvé immédiatement ou qui ne serait pas disponible, un tel Avocat ou son substitut pourra, s'il est trouvé et disponible dans un laps de temps raisonnable avant le début du procès, être associé ou substitué à l'Avocat commis d'office par la Cour, étant entendu que :

1) un seul avocat sera autorisé à se présenter à la Barre pour chaque accusé et
2) qu'il ne sera accordé aucune remise pour procéder à une telle substitution ou association.

Règle 6 (a) - Pour faire face aux obligations que lui impose l'article 18 du Statut, la Cour aura le droit de limiter les débats, soit en assignant une limite dans le temps, soit en écartant comme non pertinent un sujet particulier, soit en se déclarant suffisamment éclairée.

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Règle 8 (a) - Toutes conclusions ou requêtes, sauf sur des questions litigieuses naissant au cours des débats, seront faites par écrit et remises au Greffier du Tribunal au Palais de Justice de NUREMBERG (Allemagne). Aucun débat ne pourra s'insérer sur de telles requêtes ou conclusions sans autorisation de la Cour.

Règle 13 (a) - Le terme "Documents officiels", tel qu'il est employé dans l'article 25 du Statut, comprend l'acte d'accusation, les règles de procédure, conclusions écrites, réglements couchés par écrit, sentence ou jugement du Tribunal. Ces documents seront rédigés en Anglais, Français, Russe et Allemand. Les preuves documentaires ou les pièces à conviction sont recevables, soit en français, soit en anglais, soit en russe mais il sera mis à la disposition de la défense une traduction en langue allemande.

Règle 13 (b) - Toutes les pièces à conviction, les procès-verbaux des débats, tous les documents remis au Tribunal et tous les actes et documents officiels du Tribunal pourront être certifiés par le Greffier du Tribunal à la requête légale de tout Gouvernement ou de tout autre Tribunal ou de quiconque est en droit de demander que lui soient fournies des copies de tels documents ou de représentations de tels actes.

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МЕЖДУНАРОДНЫЙ ВОЕННЫЙ ТРИБУНАЛ.

ПО ВОПРОСУ ОБСУЖДЕНИЯ ПРОЦЕССУАЛЬНЫХ ПРАВИЛ.

Согласно статьи I4 /е/ Устава международного военного Трибунала, главные обвинители, действующие в качестве комитета, составили и представляют на одобрение Трибунала проект процессуальных правил, предусмотренных I3 статьей Устава.

Этот проект правил прилагается к помеченному "Показанию А" и "Приложению I к показанию А".

КОМИТЕТ ПО РАССЛЕДОВАНИЮ ДЕЛ И ОБВИНЕНИЮ ГЛАВНЫХ ВОЕННЫХ ПРЕСТУПНИКОВ

Robert H Jackson

Роберт Х.Джэксон, по уполномочию Соединенных Штатов Америки

Francois de Menthon

Франсуа де Монтон, по уполномочию Французской Республики

Hartley Shawcross

Хартлей Шоукросс, по уполномочию Соединенного Королевства Великобритании и Северной Ирландии

Р.Руденко, по уполномочию Союза Советских Социалистических Республик

RULES OF THE INTERNATIONAL MILITARY TRIBUNAL

H2787 – 0055

Rule 1. Authority to Promulgate Rules.

The present Rules of Procedure of the International Military Tribunal for the trial of the major war criminals (hereinafter called "The Tribunal") as established by the Charter of the Tribunal dated August 8th, 1945 (hereinafter called "the Charter") are hereby promulgated by the Tribunal in accordance with the provisions of Article 13 of the Charter.

Rule 2. Notice to Defendants and Right to Assistance of Counsel.

(a) Each individual Defendant in custody shall receive not less than 30 days before trial a copy, translated into a language which he understands, (1) of the Indictment, (2) of the Charter, (3) of any other documents lodged with the Indictment, and (4) of a statement of his right to the assistance of counsel as set forth in sub-paragraph (d) of this Rule, together with a list of counsel. He shall also receive copies of such rules of procedure as may be adopted by the tribunal from time to time.

(b) Any individual Defendant not in custody shall be informed of the indictment against him and of his right to receive the documents specified in sub-paragraph (a) above, by notice in such form and manner as the Tribunal may prescribe.

(c) With respect to any group or organization as to which the prosecution indicates its intention to request a finding of criminality by the Tribunal, notice shall be given by publication in such form and manner as the Tribunal may prescribe and such publication shall include a declaration by the Tribunal that all members of the named groups or organizations are entitled to apply to the Tribunal for leave to be heard in accordance with the provisions of Article 9 of the Charter. Nothing herein contained shall be construed to confer immunity of any kind upon such members of said groups or organizations as may appear in answer to said declaration.

(d) Each Defendant has the right to conduct his own defence or to have the assistance of counsel. Application for particular counsel shall be filed at once with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any Defendant who fails to apply for particular counsel or, where particular counsel requested is not within ten (10) days to be found or available, unless the Defendant elects in writing to conduct his own defence. If a Defendant has requested particular counsel who is not immediately to be found or available, such counsel or a counsel of substitute choice may, if found and available before trial, be associated with or substituted for counsel designated by the Tribunal, provided that (1) only one counsel shall be permitted to appear at the trial for any Defendant, unless by special permission of the Tribunal, and (2) no delay of trial will be allowed for making such substitution or association.

H2787 – 0056

Rule 3. Service of Additional Documents.

If, before the trial, the Chief Prosecutors offer amendments or additions to the Indictment, such amendments or additions, including any accompanying documents shall be lodged with the Tribunal and copies of the same, translated into a language which they each understand, shall be furnished to the Defendants in custody as soon as practicable and notice given in accordance with Rule 2(b) to those not in custody.

Rule 4. Production of Evidence for the Defence.

(a) The Defence may apply to the Tribunal for the production of witnesses or of documents by written application to the General Secretary of the Tribunal. The application shall state where the witness or document is thought to be located, together with a statement of their last known location. It shall also state the facts proposed to be proved by the witness or the document and the reasons why such facts are relevant to the defence.

(b) If the witness or the document is not within the area controlled by the occupation authorities, the Tribunal may request the Signatory and adhering Governments to arrange for the production, if possible, of any such witnesses and any such documents as the Tribunal may deem necessary to proper presentation of the Defence.

(c) If the witness or the document is within the area controlled by the occupation authorities, the General Secretary shall, if the Tribunal is not in session, communicate the application to the Chief Prosecutors and, if they make no objection, the General Secretary shall issue a summons for the attendance of such witness or the production of such documents, informing the Tribunal of the action taken. If any Chief Prosecutor objects to the issuance of a summons, or if the Tribunal is in session, the General Secretary shall submit the application to the Tribunal, which shall decide whether or not the summons shall issue.

(d) A summons shall be served in such manner as may be provided by the appropriate occupation authority to ensure its enforcement and the General Secretary shall inform the Tribunal of the steps taken.

(e) Upon application to the General Secretary of the Tribunal, a Defendant shall be furnished with a copy, translated into a language which he understands, of all documents referred to in the Indictment so far as they may be made available by the Chief Prosecutors and shall be allowed to inspect copies of any such documents as are not so available.

Rule 5. Order at the Trial.

In conformity with the provisions of Article 18 of the Charter, and the disciplinary powers therein set out, the Tribunal, acting through its President, shall provide for the maintenance of order at the trial. Any defendant or any other person may be excluded from open sessions of the Tribunal for failure to observe and respect the directives and dignity of the Tribunal.

Rule 6. Oaths; Witnesses.

(a) Before testifying before the Tribunal, each witness shall make such oath or declaration as is customary in his own country.

(b) Witnesses while not giving evidence shall not be present in court. The President of the Tribunal shall direct, as circumstances demand, that witnesses shall not confer among themselves before giving evidence.

Rule 7. Applications and Motions before Trial and Rulings during the Trial.

(a) All motions, applications or other requests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany.

(b) Any such motion, application or other request shall be communicated by the General Secretary of the Tribunal to the Chief Prosecutors and, if they make no objection, the President of the Tribunal may make the appropriate order on behalf of the Tribunal. If any Chief Prosecutor objects, the President may call a special session of the Tribunal for the determination of the question raised.

(c) The Tribunal, acting through its President, will rule in court upon all questions arising during the trial, such as questions as to admissibility of evidence offered during the trial, recesses and motions, and before so ruling the Tribunal may, when necessary, order the closing or clearing of the Tribunal or take any other steps which to the Tribunal seems just.

Rule 8. Secretariat of the Tribunal.

(a) The Secretariat of the Tribunal shall be composed of a General Secretary, four Secretaries and their Assistants. The Tribunal shall appoint the General Secretary and each Member shall appoint one Secretary. The General Secretary shall appoint such clerks, interpreters, stenographers, ushers and all such other persons as may be authorised by the Tribunal and each Secretary may appoint such assistants as may be authorised by the Member of the Tribunal by whom he was appointed.

(b) The General Secretary, in consultation with the Secretaries, shall organize and direct the work of the Secretariat, subject to the approval of the Tribunal in the event of a disagreement by any Secretary.

(c) The Secretariat shall receive all documents addressed to the Tribunal, maintain the records of the Tribunal, provide necessary clerical services to the Tribunal and its Members and perform such other duties as may be designated by the Tribunal.

(d) Communications addressed to the Tribunal shall be delivered to the General Secretary.

Rule 9. Record, Exhibits and Documents.

(a) A stenographic record shall be maintained of all oral proceedings. Exhibits will be suitably identified and marked with consecutive numbers. All exhibits and transcripts of the proceedings and all documents lodged with and produced to the Tribunal will be filed with the General Secretary of the Tribunal and will constitute part of the Record.

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RULES OF THE INTERNATIONAL MILITARY TRIBUNAL

Rule 1. Authority to Promulgate Rules.

The present Rules of Procedure of the International Military Tribunal for the trial of the major war criminals (hereinafter called "The Tribunal") as established by the Charter of the Tribunal dated August 8th, 1945 (hereinafter called "the Charter") are hereby promulgated by the Tribunal in accordance with the provisions of Article 13 of the Charter.

Rule 2. Notice to Defendants and Right to Assistance of Counsel.

(a) Each individual Defendant in custody shall receive not less than 30 days before trial a copy, translated into a language which he understands, (1) of the Indictment, (2) of the Charter, (3) of any other documents lodged with the Indictment, and (4) of a statement of his right to the assistance of counsel as set forth in sub-paragraph (d) of this Rule, together with a list of counsel. He shall also receive copies of such rules of procedure as may be adopted by the tribunal from time to time.

(b) Any individual Defendant not in custody shall be informed of the indictment against him and of his right to receive the documents specified in sub-paragraph (a) above, by notice in such form and manner as the Tribunal may prescribe.

(c) With respect to any group or organization as to which the prosecution indicates its intention to request a finding of criminality by the Tribunal, notice shall be given by publication in such form and manner as the Tribunal may prescribe and such publication shall include a declaration by the Tribunal that all members of the named groups or organizations are entitled to apply to the Tribunal for leave to be heard in accordance with the provisions of Article 9 of the Charter. Nothing herein contained shall be construed to confer immunity of any kind upon such members of said groups or organizations as may appear in answer to said declaration.

(d) Each Defendant has the right to conduct his own defence or to have the assistance of counsel. Application for particular counsel shall be filed at once with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any Defendant who fails to apply for particular counsel or, where particular counsel requested is not within ten (10) days to be found or available, unless the Defendant elects in writing to conduct his own defence. If a Defendant has requested particular counsel who is not immediately to be found or available, such counsel or a counsel of substitute choice may, if found and available before trial, be associated with or substituted for counsel designated by the Tribunal, provided that (1) only one counsel shall be permitted to appear at the trial for any Defendant, unless by special permission of the Tribunal, and (2) no delay of trial will be allowed for making such substitution or association.

H2787-0059

Rule 3. Service of Additional Documents.

If, before the trial, the Chief Prosecutors offer amendments or additions to the Indictment, such amendments or additions, including any accompanying documents shall be lodged with the Tribunal and copies of the same, translated into a language which they each understand, shall be furnished to the Defendants in custody as soon as practicable and notice given in accordance with Rule 2(b) to those not in custody.

Rule 4. Production of Evidence for the Defence.

(a) The Defence may apply to the Tribunal for the production of witnesses or of documents by written application to the General Secretary of the Tribunal. The application shall state where the witness or document is thought to be located, together with a statement of their last known location. It shall also state the facts proposed to be proved by the witness or the document and the reasons why such facts are relevant to the defence.

(b) If the witness or the document is not within the area controlled by the occupation authorities, the Tribunal may request the Signatory and adhering Governments to arrange for the production, if possible, of any such witnesses and any such documents as the Tribunal may deem necessary to proper presentation of the Defence.

(c) If the witness or the document is within the area controlled by the occupation authorities, the General Secretary shall, if the Tribunal is not in session, communicate the application to the Chief Prosecutors and, if they make no objection, the General Secretary shall issue a summons for the attendance of such witness or the production of such documents, informing the Tribunal of the action taken. If any Chief Prosecutor objects to the issuance of a summons, or if the Tribunal is in session, the General Secretary shall submit the application to the Tribunal, which shall decide whether or not the summons shall issue.

(d) A summons shall be served in such manner as may be provided by the appropriate occupation authority to ensure its enforcement and the General Secretary shall inform the Tribunal of the steps taken.

(e) Upon application to the General Secretary of the Tribunal, a Defendant shall be furnished with a copy, translated into a language which he understands, of all documents referred to in the Indictment so far as they may be made available by the Chief Prosecutors and shall be allowed to inspect copies of any such documents as are not so available.

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In conformity with the provisions of Article 18 of the Charter, and the disciplinary powers therein set out, the Tribunal, acting through its President, shall provide for the maintenance of order at the trial. Any defendant or any other person may be excluded from open sessions of the Tribunal for failure to observe and respect the directives and dignity of the Tribunal.

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(a) Before testifying before the Tribunal, each witness shall make such oath or declaration as is customary in his own country.

(b) Witnesses while not giving evidence shall not be present in court. The President of the Tribunal shall direct, as circumstances demand, that witnesses shall not confer among themselves before giving evidence.

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(a) All motions, applications or other requests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany.

(b) Any such motion, application or other request shall be communicated by the General Secretary of the Tribunal to the Chief Prosecutors and, if they make no objection, the President of the Tribunal may make the appropriate order on behalf of the Tribunal. If any Chief Prosecutor objects, the President may call a special session of the Tribunal for the determination of the question raised.

(c) The Tribunal, acting through its President, will rule in court upon all questions arising during the trial, such as questions as to admissibility of evidence offered during the trial, recesses and motions, and before so ruling the Tribunal may, when necessary, order the closing or clearing of the Tribunal or take any other steps which to the Tribunal seems just.

Rule 8. Secretariat of the Tribunal.

(a) The Secretariat of the Tribunal shall be composed of a General Secretary, four Secretaries and their Assistants. The Tribunal shall appoint the General Secretary and each Member shall appoint one Secretary. The General Secretary shall appoint such clerks, interpreters, stenographers, ushers and all such other persons as may be authorised by the Tribunal and each Secretary may appoint such assistants as may be authorised by the Member of the Tribunal by whom he was appointed.

(b) The General Secretary, in consultation with the Secretaries, shall organize and direct the work of the Secretariat, subject to the approval of the Tribunal in the event of a disagreement by any Secretary.

(c) The Secretariat shall receive all documents addressed to the Tribunal, maintain the records of the Tribunal, provide necessary clerical services to the Tribunal and its Members and perform such other duties as may be designated by the Tribunal.

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(a) A stenographic record shall be maintained of all oral proceedings. Exhibits will be suitably identified and marked with consecutive numbers. All exhibits and transcripts of the proceedings and all documents lodged with and produced to the Tribunal will be filed with the General Secretary of the Tribunal and will constitute part of the Record.

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(b) The term "official documents" as used in Article 25 of the Charter includes the indictment, rules, written motions, orders that are reduced to writing, findings, and judgments of the Tribunal. These shall be in the English, French, Russian and German languages. Documentary evidence or exhibits may be received in the language of the document, but a translation thereof into German shallbe made available to the Defendants.

(c) All exhibits and transcripts of proceedings, all documents lodged with and produced to the Tribunal and all official acts and documents of the Tribunal may be certified by the General Secretary of the Tribunal to any Government or to any other Tribunal or wherever it is appropriate that copies of such documents or representations as to such acts should be supplied upon a proper request.

Rule 10. Withdrawal of Exhibits and Documents.

In cases where original documents are submitted by the Prosecution or the Defence as evidence, and upon a showing (a) that because of historical interest or for any other reason one of the Governments signatory to the Four Power Agreement of 8th August, 1945, or any other government having received the consent of said four signatory Powers, desires to withdraw from the records of the Tribunal and preserve any particular original documents and (b) that no substantial injustice will result, the Tribunal shall permit photostatic copies of said original documents, certified by the General Secretary of the Tribunal, to be substituted for the originals in the records of the court and shall deliver said original documents to the applicants.

Rule 11. Effective date and Powers of Amendment and Addition.

These Rules shall take effect upon their approval by the Tribunal. Nothing herein contained shall be construed to prevent the Tribunal from, at any time, in the interest of fair and expeditious trials, departing from, amending, or adding to these Rules, either by General rules or special orders for particular cases, in such form and upon such notice as may appear just to the Tribunal.

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Rule 2. Notice to Defendants and Right to Assistance of Counsel.

(a) Each individual Defendant in custody shall receive not less than 30 days before trial a copy, translated into a language which he understands, (1) of the Indictment, (2) of the Charter, (3) of any other documents lodged with the Indictment, and (4) of a statement of his right to the assistance of counsel as set forth in sub-paragraph (d) of this Rule, together with a list of counsel. He shall also receive copies of such rules of procedure as may be adopted by the Tribunal from time to time.

(b) Any individual Defendant not in custody shall be informed of the indictment against him and of his right to receive the documents specified in sub-paragraph (a) above, by notice in such form and manner as the Tribunal may prescribe.

(c) With respect to any group or organization as to which the prosecution indicates its intention to request a finding of criminality by the Tribunal, notice shall be given by publication in such form and manner as the Tribunal may prescribe and such publication shall include a declaration by the Tribunal that all members of the named groups or organizations are entitled to apply to the Tribunal for leave to be heard in accordance with the provisions of Article 9 of the Charter. Nothing herein contained shall be construed to confer immunity of any kind upon such members of said groups or organizations as may appear in answer to the said declaration.

(d) Each Defendant has the right to conduct his own defence or to have the assistance of counsel. Application for particular counsel shall be filed at once with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any Defendant who fails to apply for particular counsel or, where particular counsel requested is not within ten (10) days to be found or available, unless the Defendant elects in writing to conduct his own defence. If a Defendant has requested particular counsel who is not immediately to be found or available, such counsel or a counsel of substitute choice may, if found and available before trial, be associated with or substituted for counsel designated by the Tribunal provided that (1) only one counsel shall be permitted to appear at the trial for any Defendant, unless by special permission of the Tribunal, and (2) no delay of trial will be allowed for making such substitution or association.

H2787 - 0063

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Rules of
Procedure
as you
requested.

JMB

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RULES OF THE INTERNATIONAL MILITARY TRIBUNAL

Rule 1. Authority to Promulgate Rules.

The present Rules of Procedure of the International Military Tribunal for the trial of the major war criminals (hereinafter called "the Tribunal") as established by the Charter of the Tribunal dated August 8th, 1945 (hereinafter called "the Charter") are hereby promulgated by the Tribunal in accordance with the provisions of Article 13 of the Charter.

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H2787 - 0066

Rule 3. Service of Additional Documents.

If, before the trial, the Chief Prosecutors offer amendments or additions to the Indictment, such amendments or additions, including any accompanying documents shall be lodged with the Tribunal and copies of the same, translated into a language which they each understand, shall be furnished to the Defendants in custody as soon as practicable and notice given in accordance with Rule 2(b) to those not in custody.

Rule 4. Production of Evidence for the Defence.

(a) The Defence may apply to the Tribunal for the production of witnesses or of documents by written application to the General Secretary of the Tribunal.

(b) If the witness or the document is not within the area controlled by the occupation authorities, the Tribunal may request the Signatory and adhering Governments to arrange for the production, if possible, of any such witnesses and any such documents as the Tribunal may deem necessary to proper presentation of the Defence.

(c) If the witness or the document is within the area controlled by the occupation authorities, the General Secretary shall, if the Tribunal is not in session, communicate the application to the Chief Prosecutors and, if they make no objection, the General Secretary shall issue a summons for the attendance of such witness or the production of such documents, informing the Tribunal of the action taken. If any Chief Prosecutor objects to the issuance of a summons, or if the Tribunal is in session, the General Secretary shall submit the application to the Tribunal, which shall decide whether or not the summons shall issue.

(d) A summons shall be served in such manner as may be provided by the appropriate occupation authority to ensure its enforcement and the General Secretary shall inform the Tribunal of the steps taken.

(e) Upon application to the General Secretary of the Tribunal, a Defendant shall be furnished with a copy, translated into a language which he understands, of all documents referred to in the Indictment so far as they may be made available by the Chief Prosecutors and shall be allowed to inspect copies of any such documents as are not so available.

Rule 5. Order at the Trial.

In conformity with the provisions of Article 18 of the Charter, and the disciplinary powers therein set out, the Tribunal, acting through its President, shall provide for the maintenance of order at the trial. Any defendant or any other person may be excluded from open sessions of the Tribunal for failure to observe and respect the directives and dignity of the Tribunal.

Rule 6. Oaths.

Before testifying before the Tribunal, each witness shall make such oath or declaration as is customary in his own country.

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Rule 7. Applications and Motions before Trial and Rulings during the Trial.

(a) All motions, applications or otherrequests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany.

(b) Any such motion, application or other request shall be communicated by the General Secretary of the Tribunal to the Chief Prosecutors and, if they make no objection, the President of the Tribunal may make the appropriate order on behalf of the Tribunal. If any Chief Prosecutor objects, the President may call a special session of the Tribunal for the determination of the question raised.

(c) The Tribunal, acting through its President, will rule in court upon all questions arising during the trial, such as questions as to admissibility of evidence offered during the trial, recesses and motions, and before so ruling the Tribunal may, when necessary, order the closing or clearing of the Tribunal or take any other step which to the Tribunal seems just.

Rule 8. Secretariat of the Tribunal.

(a) The Secretariat of the Tribunal shall be composed of a General Secretary, four Secretaries and their Assistants. The Tribunal shall appoint the General Secretary and each Member shall appoint one Secretary. The General Secretary shall appoint such clerks, interpreters, stenographers, ushers and all such other persons as may be authorized by the Tribunal and each Secretary may appoint such assistants as may be authorized by the Member of the Tribunal by whom he was appointed.

(b) The General Secretary, in consultation with the Secretaries shall organize and direct the work of the Secretariat, subject to the approval of the Tribunal in the event of a disagreement by any Secretary.

(c) The Secretariat shall receive all documents addressed to the Tribunal, maintain the records of the Tribunal, provide necessary clerical services to the Tribunal and its Members and perform such other duties as may be designated by the Tribunal.

(d) Communications addressed to the Tribunal shall be delivered to the General Secretary.

Rule 9. Record, Exhibits and Documents.

(a) A stenographic record shall be maintained of all oral proceedings. Exhibits will be suitably identified and marked with consecutive numbers. All exhibits and transcripts of the proceedings and all documents lodged with and produced to the Tribunal will be filed with the General Secretary of the Tribunal and will constitute part of the Record.

(b) The term "official documents" as used in Article 25 of the Charter includes the indictment, rules, written motions, orders that are reduced to writing, findings, and judgments of the Tribunal. These shall be in the English, French, Russian and German languages. Documentary evidence or exhibits may be received in the language of the document, but a translation thereof into German shall be made available to the Defendants.

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(c) All exhibits and transcripts of proceedings, all documents lodged with and produced to the Tribunal and all official acts and documents of the Tribunal may be certified by the General Secretary of the Tribunal to any Government or to any other tribunal or wherever it is appropriate that copies of such documents or representations as to such acts should be supplied upon a proper request.

Rule 10. Withdrawal of Exhibits and Documents.

In cases where original documents are submitted by the Prosecution or the Defence as evidence, and upon a showing (a) that because of historical interest or for any other reason one of the Governments signatory to the Four Power Agreement of 8th August, 1945, or any other government having received the consent of said four signatory Powers, desires to withdraw from the records of the Tribunal and preserve any particular original documents and (b) that no substantial injustice will result, the Tribunal shall permit photostatic copies of said original documents, certified by the General Secretary of the Tribunal, to be substituted for the originals in the records of the court and shall deliver said original documents to the applicants.

Rule 11. Effective Date and Powers of Amendment and Addition.

These Rules shall take effect upon their approval by the Tribunal. Nothing herein contained shall be construed to prevent the Tribunal from, at any time, in the interest of fair and expeditious trials, departing from, amending, or adding to these Rules, either by general rules or special orders for particular cases, in such form and upon such notice as may appear just to the Tribunal.

RULES RELATING TO COURT PROCEDURE.

Rule 1. *Authority, Departure from and Additions to Rules.*

The present Rules of Procedure of the International Military Tribunal for the trial of the major war criminals (hereinafter called "the Tribunal") as established by the Charter of the Tribunal dated August 8th, 1945 (hereinafter called "the Charter") are hereby promulgated by the Tribunal in accordance with the provisions of Article 13 of the Charter. Nothing herein contained shall be construed to prevent the Tribunal from, at any time, in the interest of fair and expeditious trials, departing from, amending, or adding to these Rules, either by general rules or special orders for particular cases, in such form and upon such notice as may appear just to the Tribunal.

Rule 2. *Notice to Defendants.*

(*a*) Each individual Defendant in custody shall receive a copy (1) of the Indictment, (2) of all documents lodged with the Indictment, (3) of the Agreement and Charter, and (4) of these Rules of Procedure, translated into a language which he understands, not less than 20 days before the trial of said Defendant.

(*b*) Any individual Defendant not in custody shall be informed of the indictment against him and of his right to receive the documents specified in sub-paragraph (*a*) above by notice in such form as the Tribunal may prescribe published in such newspaper or radio service as long in advance of his trial as may be practicable.

(*c*) With respect to any group or organization as to which the prosecution indicates its intention to request a finding of criminality by the Tribunal, notice shall be given by publication as provided in sub-paragraph (*b*) of this Rule and such publication shall include a declaration by the Tribunal informing all members of the named groups or organizations that they are entitled to apply to the Tribunal for leave to be heard in accordance with the provisions of Article 9 of the Charter. Nothing herein contained shall be construed to confer immunity of any kind upon such members of said groups or organizations as may appear in answer to the said declaration.

Rule 3. *Service of Additional Documents.*

If, before the trial, the Chief Prosecutors offer amendments or additions to the Indictment, such amendments or additions, including any accompanying documents shall be lodged with the Tribunal and copies of the same, translated into a language which they each understand, shall be furnished to the Defendants in custody as soon as practicable.

Rule 4. *Production of Evidence for the Defence.*

If the Defence should apply to the Tribunal for the production of any witnesses or of any documents, the Tribunal may request the Signatories and adherent Governments to arrange for the Production, if possible, of any such witnesses and any such documents as the Tribunal may deem necessary to the fair presentation of the Defence.

Rule 5. *Witnesses.*

Witnesses while not giving evidence shall be segregated in a room or rooms set aside for that purpose. Every precaution shall be taken by the President of the Tribunal to prevent the witnesses from conferring among themselves before testifying.

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Rule 6. *Order at the Trial.*

Subject to the provisions of Article 18 of the Charter, the President of the Tribunal shall provide for the maintenance of order at the Trial, and for that purpose he is vested with disciplinary power. In so doing, he shall be governed by the principle that the right of the Defendants and witnesses to be heard and of the public to attend open sessions of the Tribunal is at all times dependent upon strict observance of and respect for the directives and dignity of the Tribunal.

Rule 7. *Oaths.*

Before testifying before the Tribunal, each witness shall make such oath or declaration as is customary in his own country.

Rule 8. *Interlocutory Questions.*

The ~~President of the~~ Tribunal ~~selected pursuant to Article 4 of the Charter~~ will rule in open court upon all ~~interlocutory~~ questions arising during the proceedings, such as questions as to the admissibility of evidence offered during the trial, continuances, recesses, and motions. ~~If a member of the Tribunal objects to the ruling,~~ the court may be cleared and closed, the members of the court shall vote orally and the question shall be decided according to the provisions of Article 4 (*c*) of the Charter.

Rule 9. *Closed Sessions.*

The Tribunal may be cleared and closed during deliberations and voting upon the judgment and sentence and upon interlocutory questions, and in such cases the President of the Tribunal will announce such closing or clearing. When the court is closed, all persons except the members who are to vote upon the the matter (and their alternates) will withdraw, unless the members withdraw to another room for the closed session.

Rule 10. *Effective Date*

These Rules shall take effect upon their approval by the Tribunal and shall continue in effect so long as the Charter, unless sooner amended or revoked by the Tribunal.

RULES RELATING TO SECRETARIAT, ETC.

Rule 11. *Secretariat and Central Registry.*

There shall be established at such place or places as the Tribunal may designate the Secretariat of the Tribunal which shall consist of such and so many persons as the Tribunal shall see fit to appoint.

There shall also be established at such place or places as the Tribunal may designate a Central Registry at which all documents addressed to and intended for the Tribunal shall be lodged; and where all the Indictments and all the Records of the Tribunal and all exhibits produced to the Tribunal shall be kept, when not required by the Tribunal.

The staff of the said Central Registry shall be appointed by the Tribunal.

Rule 12. *Clerks of the Court.*

The Tribunal shall appoint persons to act as Clerks of the Court, interpreters, stenographers, ushers and any other persons whom the Tribunal considers necessary for the efficient conduct of the Trials.

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Rule 13. *Record.*

A sténographic record shall be maintained of all oral proceedings. Exhibits will be suitably identified and marked with consecutive numbers.

All exhibits and transcripts of the proceedings and all documents lodged with and produced to the Tribunal will be filed at the Central Registry of the Tribunal and will constitute part of the Record.

Rule 14. *Withdrawal of Exhibits and Documents.*

In cases where original documents are submitted by the Prosecution or the Defence as evidence, and upon a showing (*a*) that because of historical interest or for any other reason one of the Governments signatory to the Four Power Agreement of 8th August, 1945, or any other government having received the consent of said four signatory Powers, desires to withdraw from the records of the Tribunal and preserve any particular original documents and (*b*) that no substantial injustice will result, the Tribunal shall permit photostatic copies of said original documents to be substituted for the originals in the records of the court and shall deliver said original documents to the applicants.

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Rule 6. *Order at the Trial.*

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